

Pg.1 of 2
CIVIL COVER SHEETJS 44C/SDNY
REV. 5/2010

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

CV 617
SWAM

PLAINTIFFS

DEFENDANTS

Official Committee of Unsecured Creditors of Lehman
Brothers Holdings Inc., et al.

Barclays Capital Inc.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

51 Madison Avenue, 22nd Floor, New York, New York 10010, Boies, Schiller & Flexner LLP, 575 Lexington Ave. New York,
(212) 849-7000 New York 10022, (212) 446-2300CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC 158, Appeal from July 15, 2011 SDNY Bankr. order denying Committee's motion for Rule 60(b) relief

Has this or a similar case been previously filed in SDNY at any time? No? Yes? Judge Previously AssignedIf yes, was this case Vol. Invl. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

08-13555 #18849

ACTIONS UNDER STATUTES

| | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|---|---|--|
| CONTRACT | PERSONAL INJURY | PERSONAL INJURY | | |
| [] 110 INSURANCE | [] 310 AIRPLANE | [] 362 PERSONAL INJURY - MED MALPRACTICE | [] 610 AGRICULTURE | [] 400 STATE REAPPORTIONMENT |
| [] 120 MARINE | [] 315 AIRPLANE PRODUCT LIABILITY | [] 365 PERSONAL INJURY PRODUCT LIABILITY | [] 620 OTHER FOOD & DRUG | [] 410 ANTITRUST |
| [] 130 MILLER ACT | [] 320 ASSAULT, LIBEL & SLANDER | [] 368 ASBESTOS PERSONAL INJURY PRODUCT | [] 625 DRUG RELATED SEIZURE OF PROPERTY | [] 430 BANKS & BANKING |
| [] 140 NEGOTIABLE INSTRUMENT | [] 330 FEDERAL EMPLOYERS' LIABILITY | | [] 630 LIQUOR LAWS | [] 450 COMMERCE |
| [] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT | [] 340 MARINE LIABILITY | | [] 640 RR & TRUCK | [] 460 DEPORTATION |
| [] 151 MEDICARE ACT | [] 345 MARINE PRODUCT LIABILITY | | [] 650 AIRLINE REGS | [] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) |
| [] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS) | [] 350 MOTOR VEHICLE | | [] 660 OCCUPATIONAL SAFETY/HEALTH | [] 480 CONSUMER CREDIT |
| [] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS | [] 355 MOTOR VEHICLE | | [] 690 OTHER | [] 490 CABLE/SATELLITE TV |
| [] 160 STOCKHOLDERS SUITS | [] 360 OTHER PERSONAL INJURY | | | [] 810 SELECTIVE SERVICE |
| [] 190 OTHER CONTRACT | | | | [] 850 SECURITIES/ COMMODITIES/ EXCHANGE |
| [] 195 CONTRACT PRODUCT LIABILITY | | | | [] 875 CUSTOMER CHALLENGE |
| [] 196 FRANCHISE | | | | [] 880 OTHER STATUTORY ACTIONS |
| | ACTIONS UNDER STATUTES | | | [] 890 AGRICULTURAL ACTS |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | | [] 891 ECONOMIC STABILIZATION ACT |
| [] 210 LAND CONDEMNATION | [] 441 VOTING | [] 510 MOTIONS TO VACATE SENTENCE | [] 710 FAIR LABOR STANDARDS ACT | [] 893 ENVIRONMENTAL MATTERS |
| [] 220 FORECLOSURE | [] 442 EMPLOYMENT | 20 USC 2255 | [] 720 LABOR/MGMT RELATIONS | [] 895 FREEDOM OF INFORMATION ACT |
| [] 230 RENT LEASE & EJECTMENT | [] 443 HOUSING/ ACCOMMODATIONS | [] 530 HABEAS CORPUS | [] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT | [] 900 APPEAL OF FEE DETERMINATION |
| [] 240 TORTS TO LAND | [] 444 WELFARE | [] 535 DEATH PENALTY | [] 740 RAILWAY LABOR ACT | [] 900 UNDER EQUAL ACCESS TO JUSTICE |
| [] 245 TORT PRODUCT LIABILITY | [] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT | [] 540 MANDAMUS & OTHER | [] 790 OTHER LABOR LITIGATION | [] 950 CONSTITUTIONALITY OF STATE STATUTES |
| [] 290 ALL OTHER REAL PROPERTY | [] 446 AMERICANS WITH DISABILITIES - OTHER | [] 550 CIVIL RIGHTS | [] 791 EMPL RET INC SECURITY ACT | |
| | | [] 555 PRISON CONDITION | [] 871 IRS-THIRD PARTY 26 USC 7609 | |
| | | | [] 870 TAXES (U.S. Plaintiff or Defendant) | |
| | | | | [] 894 ENERGY ALLOCATION ACT |
| | | | | [] 895 INFORMATION ACT |
| | | | | [] 900 APPEAL OF FEE DETERMINATION |
| | | | | [] 900 UNDER EQUAL ACCESS TO JUSTICE |
| | | | | [] 950 CONSTITUTIONALITY OF STATE STATUTES |

Check if demanded in complaint: CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding 2a. Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment
 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | |
|--------------------------|-------------|---|-------------|---|-------------|
| CITIZEN OF THIS STATE | [] 1 [] 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | [] 3 [] 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | [] 5 [] 5 |
| CITIZEN OF ANOTHER STATE | [] 2 [] 2 | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [] 4 [] 4 | FOREIGN NATION | [] 6 [] 6 |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc., et al., c/o Quinn Emanuel Urquhart & Sullivan LLP, 51 Madison Avenue, 22nd Floor, New York, New York 10010, New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Barclays Capital Inc., 745 Seventh Avenue New York, New York 10019, New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[] YES (DATE ADMITTED Mo. Feb. Yr. 2002)
Attorney Bar Code #

RECEIPT #

 29 July 2011

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)